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PATENT AND TRADEMARK OFFICE

Kalamazoo Office

May 31, 1994

Direct Dial: (616) 382-9711

VIA: FEDERAL EXPRESS

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

**Re: Filing of Addendum to Emergency Petition for Extension of Refund Liability
Deferral Period for Certain Small Operators**

Dear Mr. Caton:

Enclosed is an addendum to the filing we made on Friday, May 27, 1994. This addendum replaces Page 7 of the above-referenced filing. As filed, the second line of the first full paragraph on Page 7 asks for an extension of the refund liability deferral to October 1, 1994. The date on the corrected page is September 1, 1994. We would appreciate attachment of this addendum to our previous filing.

If you have any questions or require additional information, please call us.

Very truly yours,

HOWARD & HOWARD



Eric E. Breisach

Enclosures

cc: Commissioner James H. Quello
Commissioner Andrew C. Barrett
Mr. Reed Hundt
James W. Olson, Esq.
Mr. David D. Kinley

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Implementation of Sections of)
The Cable Television Consumer)
Protection and Competition Act)
of 1992)

Rate Regulation)

MM Docket No. 92-266

ECG MAIL ROOM

**ADDENDUM TO
EMERGENCY PETITION FOR
LIMITED EXTENSION OF REFUND LIABILITY DEFERRAL PERIOD
FOR SMALL SYSTEMS AND SMALL OPERATORS**

**SUBMITTED BY
THE SMALL CABLE BUSINESS ASSOCIATION**

Eric E. Breisach

**HOWARD & HOWARD
107 W. Michigan Ave., Suite 400
Kalamazoo, Michigan 49007**

**Attorneys for the Small Cable
Business Association**

Dated: May 31, 1994

PROPOSED EXTENSION

SCBA proposes that the Commission extend the refund liability deferral period from July 14, 1994 to September 1, 1994 for operators with fewer than 15,000 subscribers and for systems with fewer than 1,000 subscribers that are owned by small MSOs as defined in the Commission's regulations at 47 C.F.R. Section 76.922(b)(5)¹².

As articulated above, the extension is necessary to allow the Commission time to resolve the pivotal implementation issues to allow a smooth implementation for both small operators and their subscribers. Nothing could be worse than having to make several, consecutive rate adjustments instead of getting it right the first time.

The consumer interest is entirely protected with respect to extending the deferral period for small operators. The only restructuring required of these operators is to make sure their rates for each component of service are appropriately distributed. Since small operators are allowed to maintain their March 31, 1994 rate levels (at least with respect to the new regulations), consumers will pay the same amount in the aggregate.

Although the under 1,000 subscriber systems are avoiding immediate rollbacks, SCBA also urges that the deferral extension be granted to those owned by small MSOs. This by itself will limit relief to those smaller companies that clearly have greater difficulty complying with the new regulations. Furthermore, SCBA suggests that many of the under

¹²A small MSO is defined as one with 250,000 or fewer subscribers that has an average system size of 1,000 or fewer subscribers and no system larger than 10,000 subscribers.